

REMARKS

Claims 1-33 were examined in the Office Action dated March 13, 2008, based on the claims as submitted in Applicant's Patent Cooperation Treaty (PCT) Article 34 Amendments, and Applicant proceeds on that basis. In the Office Action, the Examiner rejected Claims 1-28 and Claims 30-33, and objected to Claim 29. In this Response, independent Claims 1, 20 and 30 and dependent Claims 5, 6, 8, 14 and 32 have been amended. Claim 7 has been canceled, and new Claims 34-36 have been added. As a result, Claims 1-6 and 8-36 are pending in the application.

Applicant thanks Examiner Canfield and Examiner Kenny for the courtesy extended to Applicant's representative, David Dureska, in personal interviews on April 3, 2008, and May 28, 2008, each of which is summarized in the Interview Summary of the same date, respectively. In the interviews, proposed amendments to Claim 1 and the references cited in the Office Action were discussed. Applicant also thanks the Examiners for obtaining English language translations of the two Chinese references that were applied in the Office Action, and for providing those translations to Applicant.

Based on the amendments and the following remarks, Applicant respectfully submits that all of the claims remaining in the application, that is, Claims 1-6 and 8-36, are in condition for allowance.

Claim Rejections – 35 USC § 112

The Examiner rejected Claim 32 under 35 USC §112 on the basis that there was insufficient antecedent basis for the limitation "coupling" in the Claim. Claim 32 has been amended, and Applicant respectfully submits that the amendment overcomes the rejection. More particularly, Claim 32 depends from independent Claim 30, and adds a further recitation to the method recited in Claim 30. Amended Claim 32 recites the step of "coupling

said first building panel and said second building panel with reinforcing members.” Claim 30 specifies “...a first of said building panels...” and “...a second of said building panels...” thus providing clear antecedent basis for amended Claim 32.

Claim Rejections – 35 USC § 102

Claims 1-4, 9-10, 12 and 14-19

Claims 1-4, 9-10, 12 and 14-19 were rejected under 35 USC 102(b) as being anticipated by Chinese Utility Model Patent CN 2197409Y. Applicant respectfully submits that Claim 1, as amended, and its dependent claims, are not anticipated by CN 2197409Y.

More particularly, Claim 1 has been amended to recite that the building panel of the present invention is a “one-piece” building panel. Basis for this amendment appears in the specification, for example, in Figures 1-10 and through the description. With reference to, for example, the paragraph spanning pages 18 and 19, the one-piece building panel of the present invention is formed by, for example, moulding the panel from plastics material or casting or pressing the panel in metal.

Claim 1 has also been amended to clarify that each of the walls forming each cell includes at least one aperture. Basis for this amendment appears in the specification at least at page 6, lines 5-6, and in Figures 1-10.

Claim 1 has also been amended to recite the feature of “a recessed section along at least one perimeter portion of said walls, sized and shaped to receive the projection of an adjacent panel”. Basis for this amendment appears in the specification at least at page 12, lines 20-24; page 17, lines 18-21; and in Figures 1-10.

Applicant respectfully submits that the formwork (panel) disclosed in CN 2197409Y clearly does not include “a recessed section along at least one perimeter portion of the walls to receive the projection of an adjacent panel” as recited in amended Claim 1. There is no

disclosure, teaching or suggestion in this document that the formwork (panel) of the invention can be connected or attached to another panel of the invention. The protruding stress platform (3) along the length of the panel prevents the side frames (2) of adjacent panels from abutting. A gap between the exterior side frames (2) of adjacent panels will result, which is highly undesirable in many building applications.

Adjacent panels of CN 2197409Y can abut end to end, but there is no disclosure, teaching or suggestion that adjacent panels are, or can be, attached together by any means. While pass through holes (7) in interior walls and connecting holes (4) in exterior side frames (2) *could* be used to route reinforcing members and the like through the panels, but there is no disclosure, teaching or suggestion that this is the purpose or function of pass through holes (7). Even in the event that, for example, reinforcing members are inserted through pass through holes (7) of adjacent panels, adjacent panels are not physically connected together in this situation.

The protrusion (5) of CN 2197409Y protrudes inwardly as shown in the cross section in Figure 2 rather than outwardly. Whilst there is no disclosure, teaching or suggestion of the purpose of the protrusion (5), clearly it cannot be used to connect adjacent panels together. The last paragraph of CN 2197409Y refers to the protrusion (5) and *corresponding* connecting holes (4). However, it is impossible for protrusions (5) to be received within connecting holes (4) because the protrusions (5) project inwardly.

Hence, Applicant respectfully submits that CN 2197409Y does not anticipate amended independent Claim 1, or Claims 2-4, 9-10, 12 and 14-19, which depend from Claim 1, because CN 2197409Y does not disclose, teach or suggest "a recessed section along at least one perimeter portion of the walls to receive the projection of an adjacent panel" as recited in amended Claim 1.

Furthermore, Applicant respectfully submits that CN 2197409Y does not disclose, teach or suggest a “one-piece building panel” as recited in amended Claim 1. In contrast, the panel of CN 2197409Y is made from separate elements welded together. The last paragraph spanning pages 4 and 5 of CN 2197409Y clearly states that the trough shape of the two side frames (2) of the panel (1) is formed by pressure rolling and then vertical stiffeners (6) and horizontal stiffeners (6) are welded in place. The panels of CN 2197409Y are therefore much more labor intensive to produce. For this additional reason, Applicant respectfully submits that amended Claim 1, and Claims 2-4, 9-10, 12 and 14-19 which depend from Claim 1, are not anticipated by CN 2197409Y.

Claims 20, 22-25 and 28

Claims 20, 22-25 and 28 were rejected under 35 USC 102(b) as being anticipated by Chinese Patent CN 2368912Y. Applicant respectfully submits that amended independent Claim 20, and its dependent claims, are not anticipated by CN 2368912Y.

More particularly, independent Claim 20 has been amended in a manner similar to Claim 1, to recite that the building panel of the method of the present invention is a “one-piece” building panel, and to recite the feature of “a recessed section along at least one perimeter portion of said walls, sized and shaped to receive the projection of an adjacent panel”. Claim 20 has also been amended to clarify that each of the walls forming each cell includes at least one aperture, and Applicant notes that the steps of the method recited in amended Claim 20 correspond to the recitation of the building panel.

CN 2368912Y discloses a panel comprising a steel framework (1) to which a plastic panel (2, 3) is bolted with connecting bolts (4). Therefore, the panels of CN 2368912Y are clearly not one-piece panels as specified in amended independent Claim 20.

Furthermore, another difference between the panel of CN 2368912Y and the panels of the present invention lies in the apertures in the walls. More particularly, there are no apertures in the horizontal supporting panels (6) or the lengthwise supporting panel (7) of the panel of CN 2368912Y, and so the passage of reinforcing members, pipes, cables or similar is not possible across the width of the panel or along the length of the panel. While CN 2368912Y may disclose connecting holes (8) in side frame (5) of the panel, any such connecting holes (8) are to facilitate the joining together of adjacent panels. Hence, CN 2368912Y does not disclose, teach or suggest the clarified recitation in Claim 20 of "apertures in said walls such that each of said walls forming each said cell includes at least one aperture." Therefore, Applicant respectfully submits that CN 2368912Y does not anticipate independent Claim 20, or Claims 20, 22-25 and 28 which depend therefrom.

Claim Rejections – 35 USC § 103

Claims 5-8

Claims 5-8 were rejected under 35 USC 103(a) as being unpatentable over Chinese Utility Model Patent CN 2197409Y in view of Scull (US 2,276,071). Applicant respectfully submits that Claims 5-6 and 8, which remain in the application, are not rendered obvious by CN 2197409Y in view of Scull.

As detailed in the foregoing, CN 2197409Y fails to disclose, teach or suggest the combination of features recited in amended independent Claim 1. Scull merely discloses a fibre board panel for affixing to a wall. Scull is therefore a *wall covering* rather than a *building panel* for constructing a wall. The tongue and recess arrangement disclosed in Scull does not apply to a building panel. The panel of Scull is also a multi-piece panel being formed from two joined elements, rather than a one-piece panel as recited in amended independent Claim 1.

Furthermore, CN 2197409Y is directed to a type of building panel that cannot be linked together, whereas Scull is directed to a very different type of panel in the form of a wall covering that is designed to be linked together. It is therefore submitted that the skilled addressee would not, and could not, combine the teachings of CN 2197409Y and Scull. Nonetheless, such a hypothetical combination of the teachings of CN 2197409Y and Scull would not enable a skilled addressee to arrive at the one-piece panel of the present invention as specified in amended independent Claim 1. Since Claims 5-6 and 8 depend from Claim 1, Applicant respectfully submits that these Claims are not rendered obvious by CN 2197409Y in view of Scull.

Claims 11 and 13

Claims 11 and 13 were rejected under 35 USC 103(a) as being unpatentable over Chinese Utility Model Patent CN 2197409Y. Applicant respectfully submits that Claims 11 and 13 are not rendered obvious by CN 2197409Y. With reference to the foregoing arguments, CN 2197409Y clearly fails to disclose, teach or suggest the combination of features recited in amended independent Claim 1. Since Claims 11 and 13 depend from amended Claim 1, they include the elements recited in amended independent Claim 1, and Applicant respectfully submits that Claims 11 and 13 therefore are not rendered obvious by CN 2197409Y.

Claim 21

Claim 21 was rejected under 35 USC 103(a) as being unpatentable over Chinese Patent CN 2368912Y in view of Scull (US 2,276,071). Applicant respectfully submits that Claim 21 is not rendered obvious over CN 2368912Y in view of Scull. With reference to the foregoing arguments, CN 2368912Y and Scull each clearly fail to disclose, teach or suggest

the combination of features recited in amended independent Claim 20, from which Claim 21 depends. Since Claim 21 includes the recited in amended independent Claim 20, Applicant respectfully submits that Claim 21 is not rendered obvious over CN 2368912Y in view of Scull.

Moreover, Applicant respectfully submits that the skilled addressee would not combine CN 2368912Y and Scull because they are quite different types of panels, as described above. Nonetheless, the combination of CN 2368912Y and Scull fails to disclose, teach or suggest to the skilled addressee the one-piece building panel having the arrangement of apertures as recited in amended independent Claim 20. As a result, Claim 21 which depends from Claim 20, is not rendered obvious by CN 2368912Y in view of Scull.

Claims 26 and 27

Claims 26 and 27 were rejected under 35 USC 103(a) as being unpatentable over Chinese Patent CN 2368912Y in view of Davidson (US 3,481,093). Applicant respectfully submits that Claims 26 and 27 are not rendered obvious by CN 2368912Y in view of Davidson.

Davidson discloses a multi-component panel made from many separate elements joined together. The collapsible panel disclosed in Davidson is quite different from the present invention in the sense that it comprises two skins attached with a series of Z-shaped webs. The Z-shaped webs are formed of cardboard or paper and comprise a series of holes therethrough. Davidson clearly does not disclose, teach or suggest a one-piece panel and is further removed from the present invention. Davidson also fails to disclose, teach or suggest the arrangement of apertures as recited in amended independent Claim 20. Furthermore, Davidson fails to disclose, teach or suggest a recessed section along at least one perimeter portion of said walls, sized and shaped to receive the projection of an adjacent panel. Since

dependent Claims 26 and 27 depend from amended independent Claim 20, and therefore include the elements recited in Claim 20, Applicant respectfully submits that Claims 26 and 27 are not rendered obvious by CN 2368912Y in view of Davidson.

Moreover, the panels of CN 2368912Y and Davidson also differ significantly from one another. For example, CN 2368912Y discloses a single skin, steel panel that is designed not to be joined to another panel of the same type. In sharp contrast, Davidson discloses a double skin panel constructed from a range of materials that is designed to be joined to another panel of the same type. Hence, the skilled addressee would not combine the teachings of CN 2368912Y and Davidson. In the event such a hypothetical combination would be made, the combination would still be deficient in that the skilled addressee would not arrive at the invention as recited in Claims 26 and 27.

Claims 30-33

Claims 30-33 were rejected under 35 USC 103(a) as being unpatentable over Chinese Patent CN 2368912Y in view of Lu (US 5,092,093). Applicant respectfully submits that amended independent Claim 30, and Claims 31-33 which depend therefrom, are not rendered obvious by CN 2368912Y in view of Lu.

More particularly, independent Claim 30 has been amended in a manner similar to Claim 1, to recited that the building panel of the method of the present invention is a “one-piece” building panel, and to recite the feature of “a recessed section along at least one perimeter portion of said walls, sized and shaped to receive the projection of an adjacent panel”. Claim 30 has also been amended to clarify that each of the walls forming each cell includes at least one aperture, and Applicant notes that the steps of the method recited in amended Claim 30 correspond to the recitation of the building panel.

The deficiencies of CN 2368912Y in relation to the present invention have been elucidated in the foregoing, and Applicant therefore submits that CN 2368912Y clearly fails to anticipate amended independent Claim 30 for the same reasons. Lu also fails to disclose many of the aforementioned features of the present invention as recited in amended Claim 30. For example, Lu does not disclose a one-piece building panel, or a panel comprising the arrangement of apertures of the present invention, or a panel comprising a recessed section along at least one perimeter portion of said walls, sized and shaped to receive the projection of an adjacent panel.

While Lu may disclose joining the panels of Lu together in a spaced apart relationship, Lu fails to disclose, teach or suggest the method of construction using the one-piece building panels recited in amended Claim 30.

Furthermore, Applicant respectfully submits that the skilled addressee would not combine Lu with CN 2368912Y or any of the other prior art documents of record. Nonetheless, any hypothetical combination of Lu with CN 2368912Y would not lead the skilled addressee to the invention as recited in amended independent Claim 30.

As a result, Applicant respectfully submits that amended independent Claim 30, and dependent Claims 31-33, are not rendered obvious by CN 2368912Y in view of Lu.

New Claims 34-36

Applicant has added new Claims 34-36, which depend from amended independent Claim 30. Basis for Claim 34 appears in the specification at least at page 16, lines 10-17. Basis for Claim 35 appears in the specification at least at page 13, line 19 - page 14, line 1. Basis for Claim 36 appears in the specification at least at page 16, line 5 - page 17, line 3; and in Figures 1-10. Applicant respectfully submits that, since Claims 34-36 depend from

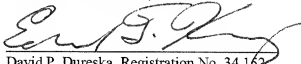
amended independent Claim 30, they are not disclosed, suggested or rendered obvious to the skilled addressee by the prior art of record.

In conclusion, the specific combination of features recited in amended independent Claims 1, 20 and 30 are not disclosed, suggested or rendered obvious to the skilled addressee by the prior art of record, alone or in combination. Consequently, Claims 2-6, 8-19, 21-29 and 31-36 which depend therefrom, respectively, are also not anticipated or rendered obvious by the prior art of record.

In view of the above, it is submitted that the claims remaining in the application are in condition for allowance. Reconsideration of the rejections is respectfully requested, and allowance of Claims 1-6 and 8-36 at an early date is hereby respectfully solicited.

Respectfully submitted,

KRUGLIAK, WILKINS, GRIFFITHS
& DOUGHERTY CO., L.P.A.

A handwritten signature in black ink, appearing to read "David P. Dureska", is written over a horizontal line.

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